

REMARKS

This Amendment is being filed in response to the Office Action mailed on September 16, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-19 and 30 are pending in this application, where claims 20-29 have been canceled without prejudice, and claim 30 has been currently added. Applicants reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications. Claim 1 is independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended for better conformance to U.S. practice and the drawings.

By means of the present amendment, claims 1-19 have been amended for non-statutory reasons, such as for better form

including beginning the dependent claims with 'The' instead of 'A'. Such amendments to claims 1-19 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents. Applicants thank the Examiner for acknowledging receipt and consideration of the Information Disclosure Statement filed on June 21, 2006.

In the Office Action, claims 1-3 and 8 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,518,456 (Bjorkholm). Further, claims 4-7 and 9 are rejected under 35 U.S.C. §103(a) over Bjorkholm in view of an article entitle "Different Behavior of Photoluminescence Anisotropy in Porous Silicon Layers Made by Polarized-Light-Assisted electrochemical Etching" (Hideki). Claims 10-19 are rejected under 35 U.S.C. §103(a) over Bjorkholm in view of an article entitle "Fabrication of Metal Nanowires Using Microcontact Printing" (Geissler). Applicants respectfully traverse and submit that claims 1-19 and 30, as amended, are

patentable over Bjorkholm, Hideki and Geissler for at least the following reasons.

Bjorkholm is directed to light induced etching of a semiconductor crystal by aqueous solutions. As described on column 3 line 5-10, the intensity of a laser is tuned.

It is respectfully submitted that Bjorkholm does not disclose or suggest the present invention as recited in independent claim 1 which, amongst other patentable elements, recites (illustrative emphasis provided):

selecting a minimum wavelength of the electromagnetic radiation such that the absorption of the at least one pre-fabricated nanowire is significantly reduced when the at least one pre-fabricated nanowire reaches the desired wire diameter;  
and

stopping the electromagnetic radiation when continuing the electromagnetic radiation does not substantially change the desired wire diameter.

These features are nowhere disclosed or suggested in Bjorkholm. Bjorkholm is completely silent and does not disclose or suggest selecting any minimum wavelength such that absorption is significantly reduced when the nanowire reaches the desired wire diameter, and stopping the radiation when continuing the radiation

does not substantially change the desired wire diameter. Rather, Bjorkholm tuning the intensity of a laser. Hideki and Geissler are cited to allegedly show other features and do not remedy the deficiencies in Bjorkholm.

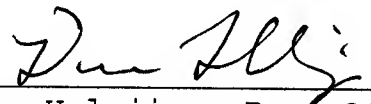
Accordingly, it is respectfully requested that independent claim 1 be allowed. In addition, it is respectfully submitted that claims 2-19 and 30 should also be allowed at least based on their dependence from independent claim 1, as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Amendment in Reply to Office Action mailed on September 16, 2009

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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